

1                                   A bill to be entitled  
2       An act relating to implementing the 2012-2013 General  
3       Appropriations Act; providing legislative intent;  
4       incorporating by reference certain calculations of the  
5       Florida Education Finance Program for the 2012-2013  
6       fiscal year; amending ss. 1012.885 and 1012.975, F.S.;  
7       limiting the amount of remuneration provided to a  
8       Florida College System institution president or a  
9       state university president from state funds for the  
10      2012-2013 fiscal year; amending ss. 1012.886 and  
11      1012.976, F.S.; limiting the amount of remuneration  
12      provided to Florida College System institution  
13      administrative employees and state university  
14      administrative employees; amending s. 216.292, F.S.;  
15      authorizing transfer of funds between appropriation  
16      categories to fund fixed capital outlay projects for  
17      charter schools upon certain approval; providing  
18      requirements to govern the completion of Phase 2 and  
19      Phase 3 of the Department of Health's Florida Onsite  
20      Sewage Nitrogen Reduction Strategies Study;  
21      prohibiting any state agency from adopting or  
22      implementing a rule or policy mandating or  
23      establishing new nitrogen-reduction limits under  
24      certain circumstances; incorporating by reference  
25      certain calculations of the Medicaid Low-Income Pool,  
26      Disproportionate Share Hospital, and Hospital  
27      Exemptions Programs for the 2012-2013 fiscal year;  
28      amending s. 216.262, F.S.; authorizing the Department

29 of Corrections to submit a budget amendment for  
 30 additional positions to operate additional prison bed  
 31 capacity under certain circumstances; amending s.  
 32 932.7055, F.S.; authorizing a municipality to expend  
 33 funds from its special law enforcement trust fund to  
 34 reimburse the municipality's general fund; requiring  
 35 the Department of Juvenile Justice to comply with  
 36 specified reimbursement limitations with respect to  
 37 payments to hospitals or health care providers for  
 38 health care services; authorizing certain payments  
 39 pursuant to a contracted rate only until the contract  
 40 expires or is renewed; defining the term "hospital"  
 41 for purposes of such limitations; amending s. 29.008,  
 42 F.S., relating to county funding of court-related  
 43 functions; providing counties with an exemption from  
 44 the requirement to annually increase certain  
 45 expenditures by a specified percentage; amending s.  
 46 282.709, F.S.; allowing funds from the State Agency  
 47 Law Enforcement Radio System Trust Fund to be used for  
 48 mutual aid buildout maintenance and sustainment;  
 49 amending s. 375.041, F.S.; providing for the transfer  
 50 of moneys from the Land Acquisition Trust Fund to  
 51 support the Total Maximum Daily Loads Program,  
 52 Drinking Water Revolving Loan Trust Fund, and  
 53 Wastewater Treatment and Stormwater Management  
 54 Revolving Loan Trust Fund; amending s. 373.59, F.S.;  
 55 providing for the allocation and distribution of  
 56 moneys from the Water Management Lands Trust Fund for

57 | certain purposes; amending s. 403.1651, F.S.;

58 | authorizing the use of funds from the Ecosystem

59 | Management and Restoration Trust Fund to fund

60 | activities to preserve and repair the state's beaches;

61 | amending s. 403.7095, F.S.; requiring the Department

62 | of Environmental Protection to award a specified

63 | amount in grants to certain counties for solid waste

64 | programs; authorizing the Department of Agriculture

65 | and Consumer Services to extend, revise, and renew

66 | current contracts or agreements created or entered

67 | into for the purpose of promotion of agriculture;

68 | amending s. 379.204, F.S.; authorizing the Fish and

69 | Wildlife Conservation Commission to transfer certain

70 | funds to the Federal Grants Trust Fund to support cash

71 | flow needs; amending s. 379.209, F.S.; authorizing the

72 | Fish and Wildlife Conservation Commission to transfer

73 | funds from the Nongame Wildlife Trust Fund to the

74 | Grants and Donations Trust Fund to support cash flow

75 | needs; authorizing the Fish and Wildlife Conservation

76 | Commission to transfer a specified amount of funds in

77 | hunting and fishing license fees from the Grants and

78 | Donations Trust Fund to the State Game Trust Fund for

79 | the purpose repaying a loan; amending s. 339.135,

80 | F.S.; authorizing the Department of Transportation to

81 | reduce work program levels to balance the finance plan

82 | to revised funding levels; requiring the department's

83 | cash balances to meet certain requirements before a

84 | project or phase may be deferred; providing that

85 | certain reductions not negatively impact safety or  
 86 | maintenance or project contingency percentage levels  
 87 | as of a specified date; providing for the transfer of  
 88 | funds to the Department of Economic Opportunity to use  
 89 | for funding transportation-related needs of economic  
 90 | development projects; providing that the transfer not  
 91 | reduce, delete, or defer any existing projects funded  
 92 | as of a specified date in the Department of  
 93 | Transportation's 5-year work program; amending s.  
 94 | 339.08, F.S.; authorizing the use of moneys in the  
 95 | State Transportation Trust Fund for certain  
 96 | administrative expenses; authorizing the transfer of  
 97 | funds from the State Transportation Trust Fund to the  
 98 | State School Trust Fund under certain circumstances;  
 99 | reenacting s. 163.3247(3)(d), F.S., relating to  
 100 | members of the Century Commission for a Sustainable  
 101 | Florida serving without compensation; reenacting s.  
 102 | 201.15(1)(c), F.S., relating to funds deposited into  
 103 | the Grants and Donations Trust Fund in the Department  
 104 | of Economic Opportunity which are used to fund  
 105 | technical assistance to local governments and school  
 106 | boards; amending s. 206.608, F.S.; authorizing the  
 107 | transfer of certain tax funds to the State  
 108 | Transportation Trust Fund; amending s. 320.204, F.S.;  
 109 | prohibiting the transfer of funds from the Highway  
 110 | Safety Operating Trust Fund to the Transportation  
 111 | Disadvantaged Trust Fund; authorizing the Executive  
 112 | Office of the Governor to transfer funds between

113 departments for purposes of aligning amounts paid for  
 114 risk management premiums and for purposes of aligning  
 115 amounts paid for human resource management services;  
 116 amending s. 110.123, F.S., relating to the state group  
 117 insurance program; providing the amounts of the  
 118 state's monthly contribution; amending s. 112.24,  
 119 F.S.; providing conditions on the assignment of an  
 120 employee of a state agency without reimbursement from  
 121 the receiving agency; amending s. 110.1245, F.S.;  
 122 authorizing agency heads to provide one-time lump sum  
 123 bonuses under certain circumstances; providing  
 124 limitations and criteria; expanding the definition of  
 125 the term "agency head"; providing that the annual  
 126 salary of the members of the Legislature be maintained  
 127 at a specified level; reenacting s. 215.32(2)(b),  
 128 F.S., relating to the source and use of certain trust  
 129 funds to implement the transfer of funds to the State  
 130 School Trust Fund from trust funds in the 2012-2013  
 131 General Appropriations Act; providing a legislative  
 132 finding that the issuance of new debt is in the best  
 133 interests of the state and necessary to address a  
 134 critical state emergency; limiting the use of travel  
 135 funds to activities that are critical to an agency's  
 136 mission; providing exceptions; authorizing the  
 137 Executive Office of the Governor to transfer funds for  
 138 use by the state's designated primary data centers;  
 139 authorizing the Executive Office of the Governor to  
 140 transfer funds between agencies in order to allocate a

PCB APC 12-02

ORIGINAL

2012

141 reduction relating to SUNCOM; reenacting s.  
 142 110.12315(7) (a), F.S., relating to copayments for the  
 143 state employees' prescription drug program; providing  
 144 for reversion of statutory text of certain provisions;  
 145 providing for the effect of a veto of one or more  
 146 specific appropriations or proviso to which  
 147 implementing language refers; providing for the  
 148 continued operation of certain provisions  
 149 notwithstanding a future repeal or expiration provided  
 150 by this act; providing for severability; providing  
 151 effective dates.

152

153 Be It Enacted by the Legislature of the State of Florida:

154

155 Section 1. It is the intent of the Legislature that the  
 156 implementing and administering provisions of this act apply to  
 157 the General Appropriations Act for the 2012-2013 fiscal year.

158 Section 2. In order to implement Specific Appropriations  
 159 6, 7, 8, 84, and 85 of the 2012-2013 General Appropriations Act,  
 160 the calculations of the Florida Education Finance Program for  
 161 the 2012-2013 fiscal year in the document entitled "Public  
 162 School Funding-The Florida Education Finance Program," dated  
 163 February xx, 2012, and filed with the Clerk of the House of  
 164 Representatives, are incorporated by reference for the purpose  
 165 of displaying the calculations used by the Legislature,  
 166 consistent with the requirements of the Florida Statutes, in  
 167 making appropriations for the Florida Education Finance Program.  
 168 This section expires July 1, 2013.

PCB APC 12-02

ORIGINAL

2012

169 Section 3. In order to implement Specific Appropriations  
 170 10 and 108 of the 2012-2013 General Appropriations Act,  
 171 subsection (4) of section 1012.885, Florida Statutes, is amended  
 172 to read:

173 1012.885 Remuneration of Florida College System  
 174 institution presidents; limitations.—

175 (4) LIMITATION ON REMUNERATION.—Notwithstanding the  
 176 provisions of this section, for the 2012-2013 ~~2011-2012~~ fiscal  
 177 year, a Florida College System institution president may not  
 178 receive more than \$200,000 in remuneration from appropriated  
 179 state funds. Only compensation, as defined in s. 121.021(22),  
 180 provided to a Florida College System institution president may  
 181 be used in calculating benefits under chapter 121. This  
 182 subsection expires July 1, 2013.

183 Section 4. In order to implement Specific Appropriations  
 184 10 and 108 of the 2012-2013 General Appropriations Act,  
 185 subsection (4) of section 1012.886, Florida Statutes, is amended  
 186 to read:

187 1012.886 Remuneration of Florida College System  
 188 institution administrative employees; limitations.—

189 (4) EXPIRATION.—This section expires June 30, 2013 ~~2012~~.

190 Section 5. In order to implement Specific Appropriations  
 191 11 through 15 and 129 through 135A of the 2012-2013 General  
 192 Appropriations Act, subsection (4) of section 1012.975, Florida  
 193 Statutes, is amended to read:

194 1012.975 Remuneration of state university presidents;  
 195 limitations.—

196 (4) LIMITATION ON REMUNERATION.—Notwithstanding the

PCB APC 12-02

ORIGINAL

2012

197 provisions of this section, for the 2012-2013 ~~2011-2012~~ fiscal  
 198 year, a state university president may not receive more than  
 199 \$200,000 in remuneration from public funds. Only compensation,  
 200 as defined in s. 121.021(22), provided to a state university  
 201 president may be used in calculating benefits under chapter 121.  
 202 This subsection expires July 1, 2013.

203 Section 6. In order to implement Specific Appropriations  
 204 11 through 15 and 129 through 135A of the 2012-2013 General  
 205 Appropriations Act, subsection (4) of section 1012.976, Florida  
 206 Statutes, is amended to read:

207 1012.976 Remuneration of state university administrative  
 208 employees; limitations.—

209 (4) EXPIRATION.—This section expires June 30, 2013 ~~2012~~.

210 Section 7. In order to implement Specific Appropriation  
 211 16A of the 2012-2013 General Appropriations Act, paragraph (c)  
 212 of subsection (3) of section 216.292, Florida Statutes, is  
 213 amended to read:

214 216.292 Appropriations nontransferable; exceptions.—

215 (3) The following transfers are authorized with the  
 216 approval of the Executive Office of the Governor for the  
 217 executive branch or the Chief Justice for the judicial branch,  
 218 subject to the notice and objection provisions of s. 216.177:

219 (c) The transfer of appropriations for fixed capital  
 220 outlay from the Survey Recommended Needs-Public Schools  
 221 appropriation category to the Maintenance, Repair, Renovation  
 222 and Remodeling appropriation category. The allocation of  
 223 transferred funds must be in accordance with s. 1013.62. This  
 224 paragraph expires July 1, 2013 ~~2012~~.

225           Section 8. In order to implement Specific Appropriation  
 226 512 of the 2012-2013 General Appropriations Act, and for the  
 227 2012-2013 fiscal year only, the following requirements govern  
 228 the completion of Phase 2 and Phase 3 of the Department of  
 229 Health's Florida Onsite Sewage Nitrogen Reduction Strategies  
 230 Study:

231           (1) The Department of Health's underlying contract for the  
 232 study remains in full force and effect and funding for  
 233 completion of Phase 2 and Phase 3 is through the Department of  
 234 Health.

235           (2) The Department of Health, the Department of Health's  
 236 Research Review and Advisory Committee, and the Department of  
 237 Environmental Protection shall work together to provide the  
 238 necessary technical oversight of the completion of Phase 2 and  
 239 Phase 3 of the project.

240           (3) Management and oversight of the completion of Phase 2  
 241 and Phase 3 must be consistent with the terms of the existing  
 242 contract. However, the main focus and priority to be completed  
 243 during Phase 3 shall be developing, testing, and recommending  
 244 cost-effective passive technology design criteria for nitrogen  
 245 reduction.

246           (4) The systems installed at homesites are experimental in  
 247 nature and shall be installed with significant field testing and  
 248 monitoring. The Department of Health is specifically authorized  
 249 to allow installation of these experimental systems.  
 250 Notwithstanding any other law, before Phase 3 of the study is  
 251 completed, a state agency may not adopt or implement a rule or  
 252 policy that:

253 (a) Mandates, establishes, or implements more restrictive  
 254 nitrogen-reduction standards to existing or new onsite sewage  
 255 treatment systems or modification of such systems; or

256 (b) Directly or indirectly requires the use of  
 257 performance-based treatment systems or similar technology, such  
 258 as through an administrative order developed by the Department  
 259 of Environmental Protection as part of a basin management action  
 260 plan adopted pursuant to s. 403.067, Florida Statutes. However,  
 261 the implementation of more restrictive nitrogen-reduction  
 262 standards for onsite systems may be required through a basin  
 263 management action plan if such plan is phased in after  
 264 completion of Phase 3.

265 (5) This section expires July 1, 2013.

266 Section 9. In order to implement Specific Appropriations  
 267 187, 193 through 195 and 198 of the 2012-2013 General  
 268 Appropriations Act, the calculations of the Medicaid Low-Income  
 269 Pool, Disproportionate Share Hospital, and Hospital Exemptions  
 270 Programs for the 2012-2013 fiscal year in the document entitled  
 271 "Medicaid Supplemental Hospital Funding Programs" dated February  
 272 xx, 2012, and filed with the Clerk of the House of  
 273 Representatives, are incorporated by reference for the purpose  
 274 of displaying the calculations used by the Legislature,  
 275 consistent with the requirements of the Florida Statutes, in  
 276 making appropriations for the Low-Income Pool, Disproportionate  
 277 Share Hospital, and Hospital Exemptions Programs. This section  
 278 expires July 1, 2013.

279 Section 10. In order to implement Specific Appropriation  
 280 625 through 758 and 778 through 815, of the 2012-2013 General

PCB APC 12-02

ORIGINAL

2012

281 Appropriations Act, subsection (4) of section 216.262, Florida  
 282 Statutes, is amended to read:

283       216.262 Authorized positions.—

284       (4) Notwithstanding the provisions of this chapter  
 285 relating to increasing the number of authorized positions, and  
 286 for the 2012-2013 ~~2011-2012~~ fiscal year only, if the actual  
 287 inmate population of the Department of Corrections exceeds the  
 288 inmate population projections of the December 14, 2011 ~~February~~  
 289 ~~21, 2011~~, Criminal Justice Estimating Conference by 1 percent  
 290 for 2 consecutive months or 2 percent for any month, the  
 291 Executive Office of the Governor, with the approval of the  
 292 Legislative Budget Commission, shall immediately notify the  
 293 Criminal Justice Estimating Conference, which shall convene as  
 294 soon as possible to revise the estimates. The Department of  
 295 Corrections may then submit a budget amendment requesting the  
 296 establishment of positions in excess of the number authorized by  
 297 the Legislature and additional appropriations from unallocated  
 298 general revenue sufficient to provide for essential staff, fixed  
 299 capital improvements, and other resources to provide  
 300 classification, security, food services, health services, and  
 301 other variable expenses within the institutions to accommodate  
 302 the estimated increase in the inmate population. All actions  
 303 taken pursuant to this subsection are subject to review and  
 304 approval by the Legislative Budget Commission. This subsection  
 305 expires July 1, 2013 ~~2012~~.

306       Section 11. In order to implement Specific Appropriations  
 307 1297B and 1299 the 2012-2013 General Appropriations Act,

308 paragraph (d) of subsection (4) of section 932.7055, Florida  
 309 Statutes, is amended to read:

310 932.7055 Disposition of liens and forfeited property.—

311 (4) The proceeds from the sale of forfeited property shall  
 312 be disbursed in the following priority:

313 (d) Notwithstanding any other provision of this  
 314 subsection, and for the 2012-2013 ~~2011-2012~~ fiscal year only,  
 315 the funds in a special law enforcement trust fund established by  
 316 the governing body of a municipality may be expended to  
 317 reimburse the general fund of the municipality for moneys  
 318 advanced from the general fund to the special law enforcement  
 319 trust fund before October 1, 2001. This paragraph expires July  
 320 1, 2013 ~~2012~~.

321 Section 12. (1) In order to implement Specific  
 322 Appropriation 1187, 1188, 1193, 1194, 1239, 1240, 1244, 1245,  
 323 1247, 1251, 1252, 1255, 1256, 1257, 1267 and 1272 of the 2012-  
 324 2013 General Appropriations Act, the Department of Juvenile  
 325 Justice must comply with the following reimbursement  
 326 limitations:

327 (a) Payments to a hospital or a health care provider may  
 328 not exceed 110 percent of the Medicare allowable rate for any  
 329 health care services provided if no contract exists between the  
 330 department and the hospital or the health care provider  
 331 providing services at a hospital;

332 (b) The department may continue to make payments for  
 333 health care services at the currently contracted rates through  
 334 the current term of the contract if a contract has been executed  
 335 between the department and a hospital or a health care provider

336 providing services at a hospital; however, payments may not  
 337 exceed 110 percent of the Medicare allowable rate after the  
 338 current term of the contract expires or after the contract is  
 339 renewed during the 2012-2013 fiscal year;

340 (c) Payments may not exceed 110 percent of the Medicare  
 341 allowable rate under a contract executed on or after July 1,  
 342 2012, between the department and a hospital or a health care  
 343 provider providing services at a hospital;

344 (d) Notwithstanding paragraphs (a), (b), and (c), the  
 345 department may pay up to 125 percent of the Medicare allowable  
 346 rate for health care services at a hospital that reports or has  
 347 reported a negative operating margin for the previous fiscal  
 348 year to the Agency for Health Care Administration through  
 349 hospital-audited financial data; and

350 (e) The department may not execute a contract for health  
 351 care services at a hospital for rates other than rates based on  
 352 a percentage of the Medicare allowable rate.

353 (2) For purposes of this section, the term "hospital"  
 354 means a hospital licensed under chapter 395, Florida Statutes.

355 (3) This section expires July 1, 2013.

356 Section 13. In order to implement section 7 of the 2012-  
 357 2013 General Appropriations Act, paragraph (c) of subsection (4)  
 358 of section 29.008, Florida Statutes, is amended to read:

359 29.008 County funding of court-related functions.—

360 (4)

361 (c) Counties are exempt from all requirements and  
 362 provisions of paragraph (a) for the 2012-2013 ~~2011-2012~~ fiscal  
 363 year. Accordingly, for the 2012-2013 ~~2011-2012~~ fiscal year,

PCB APC 12-02

ORIGINAL

2012

364 counties shall maintain, but are not required to increase, their  
 365 expenditures for the items specified in paragraphs (1)(a)-(h)  
 366 and subsection (3). The requirements described in paragraph (a)  
 367 shall be reinstated beginning with the 2013-2014 ~~2012-2013~~  
 368 fiscal year. This paragraph expires July 1, 2013 ~~2012~~.

369 Section 14. In order to implement Specific Appropriation  
 370 2890 of the 2012-2013 General Appropriation Act, paragraph (b)  
 371 of subsection (3) of section 282.709, Florida Statutes, is  
 372 amended to read:

373 282.709 State agency law enforcement radio system and  
 374 interoperability network.—

375 (3)

376 (b) Funds from the State Agency Law Enforcement Radio  
 377 System Trust Fund may be used by the department to fund mutual  
 378 aid buildout maintenance and sustainment as appropriated by law.  
 379 This paragraph expires July 1, 2013 ~~2012~~.

380 Section 15. In order to implement Specific Appropriations  
 381 1662, 1685, and 1686 of the 2012-2013 General Appropriations  
 382 Act, paragraph (b) of subsection (3) of section 375.041, Florida  
 383 Statutes, is amended to read:

384 375.041 Land Acquisition Trust Fund.—

385 (3)

386 (b) In addition to the uses allowed under paragraph (a),  
 387 for the 2012-2013 ~~2011-2012~~ fiscal year, moneys in the Land  
 388 Acquisition Trust Fund are authorized for transfer to support  
 389 the Total Maximum Daily Loads Program, Drinking Water Revolving  
 390 Loan Trust Fund, and Wastewater Treatment and Stormwater  
 391 Management Revolving Loan Trust Fund as provided in the General

PCB APC 12-02

ORIGINAL

2012

392 Appropriations Act. This paragraph expires July 1, 2013 ~~2012~~.

393 Section 16. In order to implement Specific Appropriation  
394 1592B of the 2012-2013 General Appropriations Act, subsection  
395 (12) of section 373.59, Florida Statutes, is amended to read:

396 373.59 Water Management Lands Trust Fund.—

397 (12) Notwithstanding subsection (8), and for the 2012-2013  
398 ~~2011-2012~~ fiscal year only, the moneys from the Water Management  
399 Lands Trust Fund are allocated as follows:

400 (a) An amount necessary to pay debt service on bonds  
401 issued before February 1, 2009, by the South Florida Water  
402 Management District and the St. Johns River Water Management  
403 District, which are secured by revenues provided pursuant to  
404 this section, or to fund debt service reserve funds, rebate  
405 obligations, or other amounts payable with respect to such  
406 bonds; and

407 (b) Eight million dollars to be transferred to the General  
408 Revenue Fund. ~~;~~ and

409 ~~(c) The remaining funds to be distributed to the Suwannee  
410 River Water Management District, of which \$500,000 may be used  
411 for minimum flows and levels.~~

412  
413 This subsection expires July 1, 2013 ~~2012~~.

414 Section 17. In order to implement Specific Appropriations  
415 1664 through 1666 and 1668 and section 36 of the 2012-2013  
416 General Appropriations Act, paragraph (g) of subsection (1) of  
417 section 403.1651, Florida Statutes, is amended to read:

418 403.1651 Ecosystem Management and Restoration Trust Fund.—

419 (1) There is created the Ecosystem Management and

PCB APC 12-02

ORIGINAL

2012

420 Restoration Trust Fund to be administered by the Department of  
 421 Environmental Protection for the purposes of:

422 (g) Funding activities to preserve and repair the state's  
 423 beaches as provided in ss. 161.091-161.212. This paragraph  
 424 expires July 1, 2013.

425 Section 18. In order to implement Specific Appropriation  
 426 1714 of the 2012-2013 General Appropriations Act, subsection (5)  
 427 of section 403.7095, Florida Statutes, is amended to read:

428 403.7095 Solid waste management grant program.—

429 (5) Notwithstanding any other provision of this section,  
 430 and for the 2012-2013 ~~2011-2012~~ fiscal year only, the Department  
 431 of Environmental Protection shall award the sum of \$2,400,000 in  
 432 grants equally to counties having populations of fewer than  
 433 100,000 for waste tire and litter prevention, recycling  
 434 education, and general solid waste programs. This subsection  
 435 expires July 1, 2013 ~~2012~~.

436 Section 19. In order to implement Specific Appropriation  
 437 1496 of the 2012-2013 General Appropriations Act and to provide  
 438 consistency and continuity in the promotion of agriculture  
 439 throughout the state, notwithstanding s. 287.057, Florida  
 440 Statutes, the Department of Agriculture and Consumer Services  
 441 may extend, revise, and renew current contracts or agreements  
 442 created or entered into pursuant to chapter 2006-25, Laws of  
 443 Florida. This section expires July 1, 2013.

444 Section 20. In order to implement Specific Appropriations  
 445 1809, 1825, 1892, and 1903 of the 2012-2013 General  
 446 Appropriations Act, subsection (3) of section 379.204, Florida  
 447 Statutes, is amended to read:

448 379.204 Federal Grants Trust Fund.—

449 (3) The commission may transfer the cash balance  
 450 originating from hunting and fishing license fees from other  
 451 trust funds into the Federal Grants Trust Fund for the purpose  
 452 of supporting cash flow needs. This subsection expires July 1,  
 453 2013 ~~2012~~.

454 Section 21. In order to implement Specific Appropriations  
 455 1806, 1841, 1863 and 1903 of the 2012-2013 General  
 456 Appropriations Act, subsection (4) is added to section 379.209,  
 457 Florida Statutes, to read:

458 379.209 Nongame Wildlife Trust Fund.—

459 (4) The commission may transfer cash balances from the  
 460 Nongame Wildlife Trust Fund to the Grants and Donations Trust  
 461 Fund for the purpose of supporting cash flow needs. This  
 462 subsection expires July 1, 2013.

463 Section 22. In order to implement Specific Appropriations  
 464 1806, 1841, 1863, and 1903 of the 2012-2013 General  
 465 Appropriations Act, the Fish and Wildlife Conservation  
 466 Commission is authorized to transfer \$500,000 in hunting and  
 467 fishing license fees from the Grants and Donations Trust Fund to  
 468 the State Game Trust Fund, to repay the loan originally  
 469 authorized in Specific Appropriation 1950 in chapter 2008-152,  
 470 Laws of Florida.

471 Section 23. In order to implement Specific Appropriations  
 472 1916 through 1928, 1934A through 1934E, 1949 through 1951, 1953  
 473 through 1958, 1960 through 1970, and 2014 through 2023 of the  
 474 2012-2013 General Appropriations Act, paragraph (a) of

PCB APC 12-02

ORIGINAL

2012

475 subsection (4) of section 339.135, Florida Statutes, is amended  
 476 to read:

477 339.135 Work program; legislative budget request;  
 478 definitions; preparation, adoption, execution, and amendment.—

479 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

480 (a)1. To assure that no district or county is penalized  
 481 for local efforts to improve the State Highway System, the  
 482 department shall, for the purpose of developing a tentative work  
 483 program, allocate funds for new construction to the districts,  
 484 except for the turnpike enterprise, based on equal parts of  
 485 population and motor fuel tax collections. Funds for  
 486 resurfacing, bridge repair and rehabilitation, bridge fender  
 487 system construction or repair, public transit projects except  
 488 public transit block grants as provided in s. 341.052, and other  
 489 programs with quantitative needs assessments shall be allocated  
 490 based on the results of these assessments. The department may  
 491 not transfer any funds allocated to a district under this  
 492 paragraph to any other district except as provided in subsection  
 493 (7). Funds for public transit block grants shall be allocated to  
 494 the districts pursuant to s. 341.052. Funds for the intercity  
 495 bus program provided for under s. 5311(f) of the federal  
 496 nonurbanized area formula program shall be administered and  
 497 allocated directly to eligible bus carriers as defined in s.  
 498 341.031(12) at the state level rather than the district. In  
 499 order to provide state funding to support the intercity bus  
 500 program provided for under provisions of the federal 5311(f)  
 501 program, the department shall allocate an amount equal to the  
 502 federal share of the 5311(f) program from amounts calculated

PCB APC 12-02

ORIGINAL

2012

503 pursuant to s. 206.46(3).

504 2. Notwithstanding the provisions of subparagraph 1., the  
 505 department shall allocate at least 50 percent of any new  
 506 discretionary highway capacity funds to the Florida Strategic  
 507 Intermodal System created pursuant to s. 339.61. Any remaining  
 508 new discretionary highway capacity funds shall be allocated to  
 509 the districts for new construction as provided in subparagraph  
 510 1. For the purposes of this subparagraph, the term "new  
 511 discretionary highway capacity funds" means any funds available  
 512 to the department above the prior year funding level for  
 513 capacity improvements, which the department has the discretion  
 514 to allocate to highway projects.

515 3. Notwithstanding subparagraphs 1. and 2. and ss.  
 516 201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3),  
 517 and for the 2012-2013 ~~2011-2012~~ fiscal year only, the department  
 518 shall reduce work program levels to balance the finance plan to  
 519 the revised funding levels resulting from any reduction in the  
 520 2012-2013 ~~2011-2012~~ General Appropriations Act. This  
 521 subparagraph expires July 1, 2013 ~~2012~~.

522 4. For the 2012-2013 ~~2011-2012~~ fiscal year only, before  
 523 any project or phase thereof is deferred, the department's cash  
 524 balances shall be as provided in paragraph (6)(b), and the  
 525 reductions in subparagraph 3. shall be made to financial  
 526 projects not programmed for contract letting as identified with  
 527 a work program contract class code 8 and the box code RV. These  
 528 reductions shall not negatively impact safety or maintenance or  
 529 project contingency percentage levels as of January 24 ~~April 21~~,  
 530 2012 ~~2011~~. This subparagraph expires July 1, 2013 ~~2012~~.

PCB APC 12-02

ORIGINAL

2012

531 5. Notwithstanding subparagraphs 1. and 2. and ss.  
 532 206.46(3) and 334.044(26), and for fiscal years 2009-2010  
 533 through 2013-2014 only, the department shall annually allocate  
 534 up to \$15 million of the first proceeds of the increased  
 535 revenues estimated by the November 2009 Revenue Estimating  
 536 Conference to be deposited into the State Transportation Trust  
 537 Fund to provide for the portion of the transfer of funds  
 538 included in s. 343.58(4)(a)1.a. or 2.a., as applicable. The  
 539 transfer of funds included in s. 343.58(4) shall not negatively  
 540 impact projects included in fiscal years 2009-2010 through 2013-  
 541 2014 of the work program as of July 1, 2009, as amended pursuant  
 542 to subsection (7). This subparagraph expires July 1, 2014.

543 Section 24. In order to implement Specific Appropriations  
 544 1967 of the 2012-2013 General Appropriations Act, paragraph (b)  
 545 of subsection (5) of section 339.135, Florida Statutes, is  
 546 amended to read:

547 339.135 Work program; legislative budget request;  
 548 definitions; preparation, adoption, execution, and amendment.—

549 (5) ADOPTION OF THE WORK PROGRAM.—

550 (b) Notwithstanding paragraph (a), and for the 2012-2013  
 551 ~~2011-2012~~ fiscal year only, the Department of Transportation  
 552 shall transfer funds to the Department of Economic Opportunity  
 553 ~~Office of Tourism, Trade, and Economic Development~~ in an amount  
 554 equal to \$15 million for the purpose of funding transportation-  
 555 related needs of economic development projects. This transfer  
 556 shall not reduce, delete, or defer any existing projects funded,  
 557 as of July 1, 2012 ~~2011~~, in the Department of Transportation's  
 558 5-year work program. This paragraph expires July 1, 2013 ~~2012~~.

PCB APC 12-02

ORIGINAL

2012

559 Section 25. In order to implement section 48 of the 2012-  
 560 2013 General Appropriations Act, subsection (4) of section  
 561 339.08, Florida Statutes, is amended to read:

562 339.08 Use of moneys in State Transportation Trust Fund.—

563 (4) For the 2012-2013 ~~2011-2012~~ fiscal year only and  
 564 notwithstanding this section and ss. 339.09(1) and  
 565 215.32(2)(b)4., funds may be transferred from the State  
 566 Transportation Trust Fund to the State School Trust Fund or the  
 567 General Revenue Fund as specified in the General Appropriations  
 568 Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total  
 569 amount transferred shall be reduced from total state revenues  
 570 deposited into the State Transportation Trust Fund for the  
 571 calculation requirements of ss. 206.46(3) and 206.606(2). This  
 572 subsection expires July 1, 2013 ~~2012~~.

573 Section 26. In order to implement Specific Appropriation  
 574 2287 of the 2012-2013 General Appropriations Act, paragraph (d)  
 575 of subsection (3) of section 163.3247, Florida Statutes, is  
 576 reenacted to read:

577 163.3247 Century Commission for a Sustainable Florida.—

578 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;  
 579 CREATION; ORGANIZATION.—The Century Commission for a Sustainable  
 580 Florida is created as a standing body to help the citizens of  
 581 this state envision and plan their collective future with an eye  
 582 towards both 25-year and 50-year horizons.

583 (d) Members of the commission shall serve without  
 584 compensation.

585 Section 27. The amendment to s. 163.3247(3)(d), Florida  
 586 Statutes, as carried forward by this act from chapter 2011-47,

587 Laws of Florida, shall expire July 1, 2013, and the text of that  
 588 paragraph shall revert to that in existence on June 30, 2010,  
 589 except that any amendments to such text enacted other than by  
 590 this act shall be preserved and continue to operate to the  
 591 extent that such amendments are not dependent upon the portions  
 592 of text which expire pursuant to this section.

593 Section 28. In order to implement Specific Appropriation  
 594 2287 of the 2012-2013 General Appropriations Act, paragraph (c)  
 595 of subsection (1) of section 201.15, Florida Statutes, is  
 596 reenacted to read:

597 201.15 Distribution of taxes collected.—All taxes  
 598 collected under this chapter are subject to the service charge  
 599 imposed in s. 215.20(1). Prior to distribution under this  
 600 section, the Department of Revenue shall deduct amounts  
 601 necessary to pay the costs of the collection and enforcement of  
 602 the tax levied by this chapter. Such costs and the service  
 603 charge may not be levied against any portion of taxes pledged to  
 604 debt service on bonds to the extent that the costs and service  
 605 charge are required to pay any amounts relating to the bonds.  
 606 After distributions are made pursuant to subsection (1), all of  
 607 the costs of the collection and enforcement of the tax levied by  
 608 this chapter and the service charge shall be available and  
 609 transferred to the extent necessary to pay debt service and any  
 610 other amounts payable with respect to bonds authorized before  
 611 January 1, 2010, secured by revenues distributed pursuant to  
 612 subsection (1). All taxes remaining after deduction of costs and  
 613 the service charge shall be distributed as follows:

614 (1) Sixty-three and thirty-one hundredths percent of the

615 remaining taxes shall be used for the following purposes:

616 (c) After the required payments under paragraphs (a) and  
 617 (b), the remainder shall be paid into the State Treasury to the  
 618 credit of:

619 1. The State Transportation Trust Fund in the Department  
 620 of Transportation in the amount of the lesser of 38.2 percent of  
 621 the remainder or \$541.75 million in each fiscal year. Out of  
 622 such funds, the first \$50 million for the 2012-2013 fiscal year;  
 623 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
 624 the 2014-2015 fiscal year and all subsequent years, shall be  
 625 transferred to the State Economic Enhancement and Development  
 626 Trust Fund within the Department of Economic Opportunity. The  
 627 remainder is to be used for the following specified purposes,  
 628 notwithstanding any other law to the contrary:

629 a. For the purposes of capital funding for the New Starts  
 630 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
 631 specified in s. 341.051, 10 percent of these funds;

632 b. For the purposes of the Small County Outreach Program  
 633 specified in s. 339.2818, 5 percent of these funds. Effective  
 634 July 1, 2014, the percentage allocated under this sub-  
 635 subparagraph shall be increased to 10 percent;

636 c. For the purposes of the Strategic Intermodal System  
 637 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
 638 of these funds after allocating for the New Starts Transit  
 639 Program described in sub-subparagraph a. and the Small County  
 640 Outreach Program described in sub-subparagraph b.; and

641 d. For the purposes of the Transportation Regional  
 642 Incentive Program specified in s. 339.2819, 25 percent of these

643 funds after allocating for the New Starts Transit Program  
 644 described in sub-subparagraph a. and the Small County Outreach  
 645 Program described in sub-subparagraph b. Effective July 1, 2014,  
 646 the first \$60 million of the funds allocated pursuant to this  
 647 sub-subparagraph shall be allocated annually to the Florida Rail  
 648 Enterprise for the purposes established in s. 341.303(5).

649 2. The Grants and Donations Trust Fund in the Department  
 650 of Economic Opportunity in the amount of the lesser of .23  
 651 percent of the remainder or \$3.25 million in each fiscal year to  
 652 fund technical assistance to local governments and school boards  
 653 on the requirements and implementation of this act.

654 3. The Ecosystem Management and Restoration Trust Fund in  
 655 the amount of the lesser of 2.12 percent of the remainder or \$30  
 656 million in each fiscal year, to be used for the preservation and  
 657 repair of the state's beaches as provided in ss. 161.091-  
 658 161.212.

659 4. General Inspection Trust Fund in the amount of the  
 660 lesser of .02 percent of the remainder or \$300,000 in each  
 661 fiscal year to be used to fund oyster management and restoration  
 662 programs as provided in s. 379.362(3).

663  
 664 Moneys distributed pursuant to this paragraph may not be pledged  
 665 for debt service unless such pledge is approved by referendum of  
 666 the voters.

667 Section 29. The amendment to s. 201.15(1)(c)2., Florida  
 668 Statutes, as carried forward by this act from chapter 2011-47,  
 669 Laws of Florida, shall expire July 1, 2013, and the text of that  
 670 subparagraph shall revert to that in existence on June 30, 2010,

671 except that any amendments to such text enacted other than by  
 672 this act shall be preserved and continue to operate to the  
 673 extent that such amendments are not dependent upon the portions  
 674 of text which expire pursuant to this section.

675 Section 30. In order to implement Specific Appropriations  
 676 1916 through 1928, 1934A through 1934E, 1949 through 1951, 1953  
 677 through 1958, 1960 through 1970, and 2014 through 2023 of the  
 678 2012-2013 General Appropriations Act, subsection (3) of section  
 679 206.608, Florida Statutes, is amended to read:

680 206.608 State Comprehensive Enhanced Transportation System  
 681 Tax; deposit of proceeds; distribution.—Moneys received pursuant  
 682 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the  
 683 Fuel Tax Collection Trust Fund, and, after deducting the service  
 684 charge imposed in chapter 215 and administrative costs incurred  
 685 by the department in collecting, administering, enforcing, and  
 686 distributing the tax, which administrative costs may not exceed  
 687 2 percent of collections, shall be distributed as follows:

688 (3) For the 2012-2013 ~~2011-2012~~ fiscal year only, and  
 689 notwithstanding subsection (2), the remaining proceeds of the  
 690 tax levied pursuant to s. 206.41(1)(f) and all of the proceeds  
 691 from the tax imposed by s. 206.87(1)(d) shall be transferred  
 692 into the State Transportation Trust Fund and be used for the  
 693 purposes stated in s. 339.08. This subsection expires July 1,  
 694 2013 ~~2012~~.

695 Section 31. In order to implement Specific Appropriations  
 696 2635 through 2708 of the 2012-2013 General Appropriations Act,  
 697 section 320.204, Florida Statutes, is amended to read:

698 320.204 Transportation disadvantaged.—

699        (1) Of the funds collected in this chapter which are  
 700 deposited into the Highway Safety Operating Trust Fund,  
 701 beginning July 1, 2011, and annually thereafter, the department  
 702 shall transfer \$5 million to the Transportation Disadvantaged  
 703 Trust Fund in the Department of Transportation. These funds  
 704 shall be transferred on a quarterly basis.

705        (2) Notwithstanding subsection (1), for the 2012-2013  
 706 fiscal year only, funds may not be transferred from the Highway  
 707 Safety Operating Trust Fund to the Transportation Disadvantaged  
 708 Trust Fund in the Department of Transportation. This subsection  
 709 expires July 1, 2013.

710        Section 32. In order to implement Specific Appropriation  
 711 3163 of the 2012-2013 General Appropriations Act, a new  
 712 subsection (4) is added to section 257.17, Florida Statutes, to  
 713 read:

714        257.17 Operating grants.—A political subdivision that has  
 715 been designated by a county or municipality as the single  
 716 library administrative unit is eligible to receive from the  
 717 state an annual operating grant of not more than 25 percent of  
 718 all local funds expended by that political subdivision during  
 719 the second preceding fiscal year for the operation and  
 720 maintenance of a library, under the following conditions:

721        (4) Notwithstanding paragraph (2)(a), for the 2012-2013  
 722 fiscal year, a single library administrative unit that has  
 723 outsourced its operations shall be awarded their portion of  
 724 eligible grants authorized by this section provided it meets the  
 725 other requirements of this section. This subsection expires  
 726 July 1, 2013.

727           Section 33. In order to implement the appropriation of  
 728 funds in appropriation category "Special Categories-Risk  
 729 Management Insurance" in the 2012-2013 General Appropriations  
 730 Act, and pursuant to the notice, review, and objection  
 731 procedures of s. 216.177, Florida Statutes, the Executive Office  
 732 of the Governor may transfer funds appropriated in that category  
 733 between departments in order to align the budget authority  
 734 granted with the premiums paid by each department for risk  
 735 management insurance. This section expires July 1, 2013.

736           Section 34. In order to implement the appropriation of  
 737 funds in the appropriation category "Special Categories-Transfer  
 738 to Department of Management Services-Human Resources Services  
 739 Purchased Per Statewide Contract" in the 2012-2013 General  
 740 Appropriations Act," and pursuant to the notice, review, and  
 741 objection procedures of s. 216.177, Florida Statutes, the  
 742 Executive Office of the Governor may transfer funds appropriated  
 743 in that category between departments in order to align the  
 744 budget authority granted with the assessments that must be paid  
 745 by each agency to the Department of Management Services for  
 746 human resource management services. This section expires July 1,  
 747 2013.

748           Section 35. In order to implement specific appropriations  
 749 for salaries and benefits in the 2012-2013 General  
 750 Appropriations Act, paragraph (a) of subsection (12) of section  
 751 110.123, Florida Statutes, is amended to read:

752           110.123 State group insurance program.—

753           (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized  
 754 to establish health savings accounts for full-time and part-time

PCB APC 12-02

ORIGINAL

2012

755 state employees in association with a health insurance plan  
 756 option authorized by the Legislature and conforming to the  
 757 requirements and limitations of federal provisions relating to  
 758 the Medicare Prescription Drug, Improvement, and Modernization  
 759 Act of 2003.

760 (a)1. A member participating in this health insurance plan  
 761 option is eligible to receive an employer contribution into the  
 762 employee's health savings account from the State Employees  
 763 Health Insurance Trust Fund in an amount to be determined by the  
 764 Legislature. A member is not eligible for an employer  
 765 contribution upon termination of employment. For the 2012-2013  
 766 ~~2011-2012~~ fiscal year, the state's monthly contribution for  
 767 employees having individual coverage shall be \$41.66 and the  
 768 monthly contribution for employees having family coverage shall  
 769 be \$83.33.

770 2. A member participating in this health insurance plan  
 771 option is eligible to deposit the member's own funds into a  
 772 health savings account.

773 Section 36. In order to implement specific appropriations  
 774 for salaries and benefits in the 2012-2013 General  
 775 Appropriations Act, paragraph (b) of subsection (3) of section  
 776 112.24, Florida Statutes, is amended, and subsection (6) is  
 777 added to that section, to read:

778 112.24 Intergovernmental interchange of public employees.—  
 779 To encourage economical and effective utilization of public  
 780 employees in this state, the temporary assignment of employees  
 781 among agencies of government, both state and local, and  
 782 including school districts and public institutions of higher

783 education is authorized under terms and conditions set forth in  
 784 this section. State agencies, municipalities, and political  
 785 subdivisions are authorized to enter into employee interchange  
 786 agreements with other state agencies, the Federal Government,  
 787 another state, a municipality, or a political subdivision  
 788 including a school district, or with a public institution of  
 789 higher education. State agencies are also authorized to enter  
 790 into employee interchange agreements with private institutions  
 791 of higher education and other nonprofit organizations under the  
 792 terms and conditions provided in this section. In addition, the  
 793 Governor or the Governor and Cabinet may enter into employee  
 794 interchange agreements with a state agency, the Federal  
 795 Government, another state, a municipality, or a political  
 796 subdivision including a school district, or with a public  
 797 institution of higher learning to fill, subject to the  
 798 requirements of chapter 20, appointive offices which are within  
 799 the executive branch of government and which are filled by  
 800 appointment by the Governor or the Governor and Cabinet. Under  
 801 no circumstances shall employee interchange agreements be  
 802 utilized for the purpose of assigning individuals to participate  
 803 in political campaigns. Duties and responsibilities of  
 804 interchange employees shall be limited to the mission and goals  
 805 of the agencies of government.

806 (3) Salary, leave, travel and transportation, and  
 807 reimbursements for an employee of a sending party that is  
 808 participating in an interchange program shall be handled as  
 809 follows:

810 (b)~~1~~. The assignment of an employee of a state agency on

811 detail or on leave of absence may be made without reimbursement  
 812 by the receiving party for the travel and transportation  
 813 expenses to or from the place of the assignment or for the pay  
 814 and benefits, or a part thereof, of the employee during the  
 815 assignment.

816 ~~2. For the 2011-2012 fiscal year only, the assignment of~~  
 817 ~~an employee of a state agency as provided in subparagraph 1. may~~  
 818 ~~be made if recommended by the Governor or Chief Justice, as~~  
 819 ~~appropriate, and approved by the chairs of the legislative~~  
 820 ~~appropriations committees. Such actions shall be deemed approved~~  
 821 ~~if neither chair provides written notice of objection within 14~~  
 822 ~~days after the chair's receiving notice of the action pursuant~~  
 823 ~~to s. 216.177. This subparagraph expires July 1, 2012.~~

824 (6) For the 2012-2013 fiscal year only, the assignment of  
 825 an employee of a state agency as provided in this section may be  
 826 made if recommended by the Governor or Chief Justice, as  
 827 appropriate, and approved by the chairs of the legislative  
 828 appropriations committees. Such actions shall be deemed approved  
 829 if neither chair provides written notice of objection within 14  
 830 days after the chair's receiving notice of the action pursuant  
 831 to s. 216.177. This subsection expires July 1, 2013.

832 Section 37. In order to implement specific appropriations  
 833 for salaries and benefits and Section 8 of the 2012-2013 General  
 834 Appropriations Act, subsection (2) of section 110.1245, Florida  
 835 Statutes, is amended to read:

836 110.1245 Savings sharing program; bonus payments; other  
 837 awards.—

838 (2) (a) In June of each year, bonuses shall be paid to

839 employees from funds authorized by the Legislature in an  
 840 appropriation specifically for bonuses. Each agency shall  
 841 develop a plan for awarding lump-sum bonuses, which plan shall  
 842 be submitted no later than September 15 of each year and  
 843 approved by the Office of Policy and Budget in the Executive  
 844 Office of the Governor. Such plan shall include, at a minimum,  
 845 but is not limited to:

846 1.~~(a)~~ A statement that bonuses are subject to specific  
 847 appropriation by the Legislature.

848 2.~~(b)~~ Eligibility criteria as follows:

849 a.~~1.~~ The employee must have been employed prior to July 1  
 850 of that fiscal year and have been continuously employed through  
 851 the date of distribution.

852 b.~~2.~~ The employee must not have been on leave without pay  
 853 consecutively for more than 6 months during the fiscal year.

854 c.~~3.~~ The employee must have had no sustained disciplinary  
 855 action during the period beginning July 1 through the date the  
 856 bonus checks are distributed. Disciplinary actions include  
 857 written reprimands, suspensions, dismissals, and involuntary or  
 858 voluntary demotions that were associated with a disciplinary  
 859 action.

860 d.~~4.~~ The employee must have demonstrated a commitment to  
 861 the agency mission by reducing the burden on those served,  
 862 continually improving the way business is conducted, producing  
 863 results in the form of increased outputs, and working to improve  
 864 processes.

865 e.~~5.~~ The employee must have demonstrated initiative in  
 866 work and have exceeded normal job expectations.

867 ~~f.6.~~ The employee must have modeled the way for others by  
 868 displaying agency values of fairness, cooperation, respect,  
 869 commitment, honesty, excellence, and teamwork.

870 ~~3.(e)~~ A periodic evaluation process of the employee's  
 871 performance.

872 ~~4.(d)~~ A process for peer input that is fair, respectful of  
 873 employees, and affects the outcome of the bonus distribution.

874 ~~5.(e)~~ A division of the agency by work unit for purposes  
 875 of peer input and bonus distribution.

876 ~~6.(f)~~ A limitation on bonus distributions equal to 35  
 877 percent of the agency's total authorized positions. This  
 878 requirement may be waived by the Office of Policy and Budget in  
 879 the Executive Office of the Governor upon a showing of  
 880 exceptional circumstances.

881 (b) Notwithstanding paragraph (a), and for the 2012-2013  
 882 fiscal year only, an agency head is authorized to award  
 883 discretionary, one-time lump sum bonuses payable in June 2013  
 884 only as set forth in this paragraph.

885 1. Each agency head may award bonuses that do not exceed  
 886 10 percent of an employee's salary, including employer taxes, to  
 887 no more than 15 percent of the agency's authorized positions.  
 888 Agency heads may not award bonuses to themselves nor award more  
 889 than one bonus to an individual employee.

890 2. In order to be eligible for a bonus, an employee must  
 891 have been employed before July 1, 2012, and have been  
 892 continuously employed through the date of the award. The  
 893 employee must not have been on consecutive leave without pay for  
 894 more than 6 months during the fiscal year and must not have had

895 a sustained disciplinary action during the period beginning July  
 896 1, 2012, through the date a bonus is awarded. When awarding  
 897 bonuses, agency heads are expected to use discretion, be  
 898 objective, and give primary consideration for exemplary job  
 899 performance and the use of critical job skills. In addition,  
 900 consideration should be given to an employee displaying personal  
 901 initiative, teamwork, job knowledge, skills, and the ability to  
 902 improve agency processes.

903 3. An employee is not eligible for a bonus if his or her  
 904 DROP termination date occurs before June 30, 2014, or if it is  
 905 otherwise known that he or she is going to retire or terminate  
 906 employment before that date.

907 4. By September 1, 2013, each agency shall provide to the  
 908 Governor, the President of the Senate, and the Speaker of the  
 909 House of Representatives a detailed report on the number of, and  
 910 amount of, individual bonuses awarded, as well as a description  
 911 of the criteria used to award the bonuses.

912 5. For purposes of this paragraph, the term "agency head"  
 913 has the same meaning as in s. 20.055(1)(b) and includes the  
 914 Chief Justice of the Supreme Court; each state university board  
 915 of trustees, the Board of Trustees for the Florida School for  
 916 the Deaf and the Blind; the executive director of the Justice  
 917 Administrative Commission; the director of the Statewide  
 918 Guardian ad Litem Office; and each state attorney, public  
 919 defender, capital collateral regional counsel, and criminal  
 920 conflict and civil regional counsel.

921  
 922 This paragraph expires July 1, 2013.

923           Section 38. In order to implement Specific Appropriations  
 924 2710 and 2711 of the 2012-2013 General Appropriations Act and  
 925 notwithstanding the provisions of s. 11.13(1), Florida Statutes,  
 926 the authorized salaries for members of the Legislature for the  
 927 2012-2013 fiscal year shall be set at the same level in effect  
 928 on July 1, 2012. This section expires July 1, 2013.

929           Section 39. In order to implement the transfer of funds to  
 930 the State School Trust Fund from trust funds in the 2012-2013  
 931 General Appropriations Act, paragraph (b) of subsection (2) of  
 932 section 215.32, Florida Statutes, is reenacted to read:

933           215.32 State funds; segregation.—

934           (2) The source and use of each of these funds shall be as  
 935 follows:

936           (b)1. The trust funds shall consist of moneys received by  
 937 the state which under law or under trust agreement are  
 938 segregated for a purpose authorized by law. The state agency or  
 939 branch of state government receiving or collecting such moneys  
 940 is responsible for their proper expenditure as provided by law.  
 941 Upon the request of the state agency or branch of state  
 942 government responsible for the administration of the trust fund,  
 943 the Chief Financial Officer may establish accounts within the  
 944 trust fund at a level considered necessary for proper  
 945 accountability. Once an account is established, the Chief  
 946 Financial Officer may authorize payment from that account only  
 947 upon determining that there is sufficient cash and releases at  
 948 the level of the account.

949           2. In addition to other trust funds created by law, to the  
 950 extent possible, each agency shall use the following trust funds

951 as described in this subparagraph for day-to-day operations:

952 a. Operations or operating trust fund, for use as a  
 953 depository for funds to be used for program operations funded by  
 954 program revenues, with the exception of administrative  
 955 activities when the operations or operating trust fund is a  
 956 proprietary fund.

957 b. Operations and maintenance trust fund, for use as a  
 958 depository for client services funded by third-party payors.

959 c. Administrative trust fund, for use as a depository for  
 960 funds to be used for management activities that are departmental  
 961 in nature and funded by indirect cost earnings and assessments  
 962 against trust funds. Proprietary funds are excluded from the  
 963 requirement of using an administrative trust fund.

964 d. Grants and donations trust fund, for use as a  
 965 depository for funds to be used for allowable grant or donor  
 966 agreement activities funded by restricted contractual revenue  
 967 from private and public nonfederal sources.

968 e. Agency working capital trust fund, for use as a  
 969 depository for funds to be used pursuant to s. 216.272.

970 f. Clearing funds trust fund, for use as a depository for  
 971 funds to account for collections pending distribution to lawful  
 972 recipients.

973 g. Federal grant trust fund, for use as a depository for  
 974 funds to be used for allowable grant activities funded by  
 975 restricted program revenues from federal sources.

976

977 To the extent possible, each agency must adjust its internal  
 978 accounting to use existing trust funds consistent with the

979 requirements of this subparagraph. If an agency does not have  
 980 trust funds listed in this subparagraph and cannot make such  
 981 adjustment, the agency must recommend the creation of the  
 982 necessary trust funds to the Legislature no later than the next  
 983 scheduled review of the agency's trust funds pursuant to s.  
 984 215.3206.

985 3. All such moneys are hereby appropriated to be expended  
 986 in accordance with the law or trust agreement under which they  
 987 were received, subject always to the provisions of chapter 216  
 988 relating to the appropriation of funds and to the applicable  
 989 laws relating to the deposit or expenditure of moneys in the  
 990 State Treasury.

991 4.a. Notwithstanding any provision of law restricting the  
 992 use of trust funds to specific purposes, unappropriated cash  
 993 balances from selected trust funds may be authorized by the  
 994 Legislature for transfer to the State School Trust Fund, Budget  
 995 Stabilization Fund, and General Revenue Fund in the General  
 996 Appropriations Act.

997 b. This subparagraph does not apply to trust funds  
 998 required by federal programs or mandates; trust funds  
 999 established for bond covenants, indentures, or resolutions whose  
 1000 revenues are legally pledged by the state or public body to meet  
 1001 debt service or other financial requirements of any debt  
 1002 obligations of the state or any public body; the Division of  
 1003 Licensing Trust Fund in the Department of Agriculture and  
 1004 Consumer Services; the State Transportation Trust Fund; the  
 1005 trust fund containing the net annual proceeds from the Florida  
 1006 Education Lotteries; the Florida Retirement System Trust Fund;

PCB APC 12-02

ORIGINAL

2012

1007 trust funds under the management of the State Board of Education  
 1008 or the Board of Governors of the State University System, where  
 1009 such trust funds are for auxiliary enterprises, self-insurance,  
 1010 and contracts, grants, and donations, as those terms are defined  
 1011 by general law; trust funds that serve as clearing funds or  
 1012 accounts for the Chief Financial Officer or state agencies;  
 1013 trust funds that account for assets held by the state in a  
 1014 trustee capacity as an agent or fiduciary for individuals,  
 1015 private organizations, or other governmental units; and other  
 1016 trust funds authorized by the State Constitution.

1017 Section 40. The amendment to s. 215.32(2)(b), Florida  
 1018 Statutes, as carried forward by this act from chapter 2011-47,  
 1019 Laws of Florida, shall expire July 1, 2013, and the text of that  
 1020 paragraph shall revert to that in existence on June 30, 2011,  
 1021 except that any amendments to such text enacted other than by  
 1022 this act shall be preserved and continue to operate to the  
 1023 extent that such amendments are not dependent upon the portions  
 1024 of text which expire pursuant to this section.

1025 Section 41. In order to implement the issuance of new debt  
 1026 authorized in the 2012-2013 General Appropriations Act, and  
 1027 pursuant to s. 215.98, Florida Statutes, the Legislature  
 1028 determines that the authorization and issuance of debt for the  
 1029 2012-2013 fiscal year should be implemented, is in the best  
 1030 interest of the state, and necessary to address a critical state  
 1031 emergency. This section expires July 1, 2013.

1032 Section 42. In order to implement the funds appropriated  
 1033 in the 2012-2013 General Appropriations Act for state employee  
 1034 travel, the funds appropriated to each state agency, which may

1035 be used for travel by state employees, are limited during the  
 1036 2012-2013 fiscal year to travel for activities that are critical  
 1037 to each state agency's mission. Funds may not be used to pay for  
 1038 travel by state employees to foreign countries, other states,  
 1039 conferences, staff-training activities, or other administrative  
 1040 functions unless the agency head has approved in writing that  
 1041 such activities are critical to the agency's mission. The agency  
 1042 head must consider the use of teleconferencing and other forms  
 1043 of electronic communication to meet the needs of the proposed  
 1044 activity before approving mission-critical travel. This section  
 1045 does not apply to travel for law enforcement purposes, military  
 1046 purposes, emergency management activities, or public health  
 1047 activities. This section expires July 1, 2013.

1048       Section 43. In order to implement appropriations  
 1049 authorized in the 2012-2013 General Appropriations Act for data  
 1050 center services scheduled for consolidation in Fiscal Year 2012-  
 1051 13, pursuant to the notice, review, and objection procedures of  
 1052 section 216.177, Florida Statutes, the consolidating agencies  
 1053 may request the transfer of resources between Data Processing  
 1054 Services appropriation categories and the appropriation  
 1055 categories for operations based upon changes to the  
 1056 consolidation schedule. This section expires July 1, 2013.

1057       Section 44. In order to implement the appropriations  
 1058 authorized in the 2012-2013 General Appropriations Act for each  
 1059 of the state's designated primary data centers, which are funded  
 1060 from the data processing appropriation category for computing  
 1061 services of user agencies, and pursuant to the notice, review,  
 1062 and objection procedures of s. 216.177, Florida Statutes, the

PCB APC 12-02

ORIGINAL

2012

1063 Executive Office of the Governor may transfer funds appropriated  
 1064 for data processing in the 2012-2013 General Appropriations Act  
 1065 between agencies in order to align the budget authority granted  
 1066 with the utilization rate of each department. This section  
 1067 expires July 1, 2013.

1068 Section 45. In order to implement Specific Appropriation  
 1069 2876 of the 2012-2013 General Appropriations Act, the Executive  
 1070 Office of the Governor may transfer funds appropriated in the  
 1071 appropriation category "Expenses" of the 2012-2013 General  
 1072 Appropriations Act between agencies in order to allocate a  
 1073 reduction relating to SUNCOM services. This section expires July  
 1074 1, 2013.

1075 Section 46. In order to implement section 8 of the General  
 1076 Appropriations Act for the 2012-2013 fiscal year, paragraph (a)  
 1077 of subsection (7) of section 110.12315, Florida Statutes, is  
 1078 reenacted to read:

1079 110.12315 Prescription drug program.—The state employees'  
 1080 prescription drug program is established. This program shall be  
 1081 administered by the Department of Management Services, according  
 1082 to the terms and conditions of the plan as established by the  
 1083 relevant provisions of the annual General Appropriations Act and  
 1084 implementing legislation, subject to the following conditions:

1085 (7) Under the state employees' prescription drug program  
 1086 copayments must be made as follows:

1087 (a) Effective January 1, 2011, for the State Group Health  
 1088 Insurance Standard Plan:

- 1089 1. For generic drug with card \$7.
- 1090 2. For preferred brand name drug with card \$30.

PCB APC 12-02

ORIGINAL

2012

1091 3. For nonpreferred brand name drug with card \$50.

1092 4. For generic mail order drug \$14.

1093 5. For preferred brand name mail order drug \$60.

1094 6. For nonpreferred brand name mail order drug \$100.

1095 Section 47. The amendment to s. 110.12315(7)(a), Florida  
 1096 Statutes, as carried forward by this act from chapter 2011-47,  
 1097 Laws of Florida, shall expire on July 1, 2013, and the text of  
 1098 that paragraph shall revert to that in existence on December 31,  
 1099 2010, except that any amendments to such text enacted other than  
 1100 by this act shall be preserved and continue to operate to the  
 1101 extent that such amendments are not dependent upon the portions  
 1102 of text which expire pursuant to this section.

1103 Section 48. Any section of this act which implements a  
 1104 specific appropriation or specifically identified proviso  
 1105 language in the 2012-2013 General Appropriations Act is void if  
 1106 the specific appropriation or specifically identified proviso  
 1107 language is vetoed. Any section of this act which implements  
 1108 more than one specific appropriation or more than one portion of  
 1109 specifically identified proviso language in the 2012-2013  
 1110 General Appropriations Act is void if all the specific  
 1111 appropriations or portions of specifically identified proviso  
 1112 language are vetoed.

1113 Section 49. If any other act passed during the 2012  
 1114 Regular Session contains a provision that is substantively the  
 1115 same as a provision in this act, but that removes or is  
 1116 otherwise not subject to the future repeal applied to such  
 1117 provision by this act, the Legislature intends that the

PCB APC 12-02

ORIGINAL

2012

1118 provision in the other act takes precedence and continues to  
1119 operate, notwithstanding the future repeal provided by this act.

1120 Section 50. If any provision of this act or its  
1121 application to any person or circumstance is held invalid, the  
1122 invalidity does not affect other provisions or applications of  
1123 the act which can be given effect without the invalid provision  
1124 or application, and to this end the provisions of this act are  
1125 severable.

1126 Section 51. Except as otherwise expressly provided in this  
1127 act and except for this section, which shall take effect upon  
1128 this act becoming a law, this act shall take effect July 1,  
1129 2012; or, if this act fails to become a law until after that  
1130 date, it shall take effect upon becoming a law and shall operate  
1131 retroactively to July 1, 2012.